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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Joint written statement* submitted by Greenpeace International, a non-governmental organization in general consultative status, and the International Association of Democratic Lawyers, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Joint submission to UNHRC: IADL and Greenpeace International on the Fukushima Nuclear Crisis and Human Rights

In the last seven years civil society in Japan have challenged the policies of the Japanese government, in particular as it relates to the rights of the tens of thousands of evacuees resulting from the 2011 Fukushima Daiichi nuclear accident.[1] The current UNHRC UPR of Japan once again has highlighted the concerns in the international community over Japanese government policy.[2] We welcome in particular the intervention of member states in raising their concerns and making recommendations to the 2017 UNHRC UPR Third Cycle of Japan and call on the Japanese government to fully adopt the recommendations.

Fukushima Nuclear Plant Status

Seven years after the start of the Fukushima Daiichi reactor triple reactor meltdown accident, as the nuclear crisis continues, the plant owner, Tokyo Electric Power Company Holdings(TEPCO), has failed to identify the location and condition of the estimated 650 tons of the highly radioactive molten reactor fuel that has breached the Reactor Pressure Vessels (RPV) of units 1-3, with plans for its removal planned to start in 2021 wholly unrealistic.[3] The radiological hazards at the site remain enormous, including the risks of further offsite contamination. As a consequence of the government's decontamination program, in October 2017 a total of over 13 million cubic meters of nuclear waste is stored at over 1000 formal Temporary Storage Sites (TSS) in Fukushima prefecture, and at a further 141,000 locations across Fukushima.[4] In 2016, credible assessments have estimated that the total cost of the accident could reach 50-70 trillion yen, or between 370 and 520 billion euros.[5]

Revision of Radiation Decontamination Targets and Evacuation Orders

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1 "Violation of the Human Rights of the Children of Fukushima", 17 August 2011, statement of The Fukushima Network for Saving Children from Radiation, Citizens Against Fukushima Aging Nuclear Power Plants (Fukuro-no-Kai), FoE Japan (International Environmental NGO), Green Action, Osaka Citizens Against the Mihama, Oi and Takahama Nuclear Power Plants (Mihama-no-Kai) and Greenpeace Japan, see http://www.foejapan.org/en/news/110819.pdf, IADL, "Statement on the Fukushima disaster" 26 November 2011, International Association of Democratic lawyers, see http://www.iadllaw.org/2011/11/statement-on-the-fukushima-disaster/; see also Greenpeace Japan, "Fukushima resettlement policy violates international human rights commitments & Japanese law" 7th March 2017, see http://www.greenpeace.org/japan/ja/news/press/2017/pr20170307/; and Greenpeace Japan, "Unequal Impact: Women's & Children's Human Rights Violations and the Fukushima Daiichi Nuclear Disaster" Kendra Ulrich, March 2017, see http://www.greenpeace.org/japan/Global/japan/pdf/Uequal-impact-en.pdf

2 UNHRC, "Human Rights Council Working Group on the Universal Periodic Review Twenty-eighth session 6-17 November 2017 Compilation on Japan Report of the Office of the United Nations High Commissioner for Human Rights", September 2017, A/HRC/WG.6/28/JPN/2, see https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/257/44/PDF/G1725744.pdf?OpenElement

3 The Guardian, "Five years on, cleanup of Fukushima's reactors remains a distant goal" 11 March 2016, see www.theguardian.com/environment/2016/mar/11/fukushima-daiichi-nuclear-reactors-decommission-cleanup-japan tsunami-meltdown

4 Japanese Ministry of the Environment, "Progress on Off-site Cleanup and Interim Storage Facility in Japan" October 2017, Ministry of the Environment, Japan, and Greenpeace Germany, "Nuclear Waste Crisis In Fukushima: Decontamination Program", Shaun Burnie, December 2017, see https://www.greenpeace.de/sites/www.greenpeace.de/files/publications/fukushima-bericht-oktober_2017_v2.pdf

5 JCER, "Accident Cleanup Costs May Rise to 50-70 Trillion Yen" March 7, 2017, Japan Center for Economic Research, see https://www.jcer.or.jp/eng/research/policy.html

In both Namie and Iitate Town, where evacuation orders were lifted in March 2017, the Japanese government's decontamination program has failed to reduce radiation levels to the government's current long term target limit of 0.23 μSv/h with examples of elevated levels along roads and next to forests that clearly are not safe from a radiation exposure perspective.

In a tacit admission of failure of its program, Japanese authorities in January 2018 raised the possibility of lifting the long term target level from 0.23 μSv/h to between 0.8 μSv/h and 1 μSv/h,[6] clearly unacceptable from a radio-protection and human rights perspective.

Extensive radiation surveys[7] demonstrate that there is clearly a risk that returning citizens would be exposed to a radiation dose far higher than the International Commission on Radiological Protection (ICRP) recommendations[8] for the public, which sets a maximum dose of 1mSv/year in normal situations. Risking such exposures for the citizens of Namie and Iitate, including the especially vulnerable population of women and children, is inexcusable.

The Japanese government remains committed to its current policy and is moving forward with further decontamination, despite its limited scope (70-80 percent of Fukushima is mountainous forest which cannot be decontaminated) and its questionable effectiveness.[9] It is planning in April 2018 to begin 'reconstruction' of small islands or hubs in the most highly contaminated exclusion zone areas of Futaba, Okuma and Namie, northwest of the Fukushima Daiichi plant, with the aim of opening these in 2023. [10] We are most concerned at the immediate threat this poses to thousands of decontamination workers exposed as they will be to high level of radiation in these areas, especially given the history of ill their ill treatment,[11] and after 2023, the risk to health and safety for any citizens that choose to return.

Fukushima survivors

Tens of thousands of evacuees resulting from the Fukushima Daiichi triple reactor meltdown continue to suffer discrimination and are under constant pressure to return to areas that remain contaminated well above international recommended maximum levels. [12]

As of July 2017, 89,751 evacuees were living across Japan, a decrease of 29,412 from March 2017.[13] This in large part can be explained by the decision implemented as of 1st April 2017, whereby Fukushima prefecture removed self

6 NRA, Nuclear Regulation Authority of Japan, 17 January 2018, see http://www.nsr.go.jp/data/000216371.pdf (in Japanese)

7 Greenpeace Japan, "No Return to Normal : The Fukushima Daiichi Nuclear Disaster House Case Studies of the Current Situation and Potential Lifetime Radiation Exposure in Iitate, Fukushima Prefecture" February 2017, see https://www.greenpeace.de/sites/www.greenpeace.de/files/publications/20170215_greenpeace_report_fukushima_noreturntonormal.pdf

8 The ICRP sets a recommended public dose limit of 1mSv in a year, with a higher value being allowed in special circumstances as in the case of the Fukushima Daiichi nuclear accident, provided the average over five years does not exceed 1mSv per year, see ICRP 111: Protection of People Living in Long-term Contaminated Areas after a Nuclear Accident or a Radiation Emergency, available at http://www.icrp.org/; Epidemiological studies monitoring the health effects of long-term exposure to low-ionizing radiation conclude that there is no low-threshold limit for excess radiation risk to non-solid cancers such as leukemia.

9 Opcit, Greenpeace, "Radiation Reloaded", and Greenpeace Japan, "Radiation Reloaded: Ecological Impacts of the Fukushima Daiichi Nuclear Accident 5 years later", February 2016, see http://www.greenpeace.org/japan/Global/japan/pdf/GPJ-Fukushima-Radiation-Reloaded-Report.pdf

10 Namie Town plan, 22nd December, see http://www.reconstruction.go.jp/topics/main-cat1/sub-cat1-4/saiseikyoten/20170913162153.html

11 The Associated Press, "Fukushima's decontamination workers from the margins of society are being 'exploited', Mari Yamaguchi, Japan Times, 12 March 2016, see https://www.japantimes.co.jp/news/2016/03/12/national/social-issues/fuku-himas-decontamination-workers-from-the-margins-of-society-are-being-exploited/#.Wd1YMHcjFE4

12 Japan Times, "Nuclear refugees tell of distrust, pressure to return to Fukushima", 11 March 2016, see https://www.japantimes.co.jp/news/2016/03/11/national/nuclear-refugees-tell-distrust-pressure-returnfukushima/#.WnP7MpP1VE4; and Greenpeace Japan, "Fukushima resettlement policy violates international human rights commitments & Japanese law" 7th March 2017, http://www.greenpeace.org/japan/ja/news/press/2017/pr20170307/

evacuees from their listings, and thereby they disappeared from the Government's listings. The decision to remove self evacuees from the prefecture's listing coincided with the termination of their critically important housing support.

Important role of the UNHRC

In November 2017, the human rights of Fukushima citizens were addressed by the United Nations Human Rights Council (UNHRC). [14] Member states made important recommendations which if adopted would effectively reverse current Japanese government policy. Germany, Austria, Portugal, Mexico and Belgium called on Japan to address the rights of Fukushima citizens. Germany, Austria and Portugal emphasized the impact on women and children, urging the government to continue its economic and other support for Fukushima survivors.[15] The German government additionally urged the Japan to implement the annual maximum of 1 mSv/y standard for its resettlement policy, which is in line with the findings of the UNOHRC Special Rapporteur in 2012.[16] If this recommendation was applied by the Japanese government it would require the reversal of its decision to lift evacuation orders.

Conclusion

The current Japanese government has failed to comply with a commitment made by Japan in 2012 at the UNHRC UPR Fourteenth session, specifically, that it will "Take all necessary measures to protect the right to health and life of residents living in the area of Fukushima from radioactive hazards."[17] The government has also failed to implement the majority of recommendations made in the 2013 report of the UNHCHR Special Rapporteur on the Right to Health following his visit to Japan in 2012.[18]

The important recommendations made by Germany and other member states at the UNHRC in November 2017, if applied in Iitate and Namie and other areas that are the most contaminated, would immediately halt the current program of the government. Due to the radiological situation in Fukushima, and the continued suffering of Fukushima evacuees, there remains an urgency for the government to halt its current program of lifting evacuation orders, to comply with its domestic and international human rights obligations and for a comprehensive and publicly accountable review of current policy.

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13 Asahi Shimbun, "Elimination of Fukushima evacuees from list slammed" 28 August 2017, see http://www.asahi.com/ajw/articles/AJ201708280053.html

14 UNHRC, "Human Rights Council Working Group on the Universal Periodic Review" Twenty-eighth session 6-17 November 2017 Compilation on Japan Report of the Office of the United Nations High Commissioner for Human Rights", November 2017, A/HRC/WG.6/28/JPN/2, see for documentation - http://www.ohchr.org/EN/HRBodies/UPR/Pages/JPIndex.aspx and broadcast of event http://webtv.un.org/search/japan-review-28th-session-of-universal-periodic-review/5644308605001/

15 UNHRC, "Human Rights Council Working Group on the Universal Periodic Review" Twenty-eighth session 6-17 November 2017 Compilation on Japan Report of the Office of the United Nations High Commissioner for Human Rights", November 2017, A/HRC/WG.6/28/JPN/2, see for documentation - http://www.ohchr.org/EN/HRBodies/UPR/Pages/JPIndex.aspx and broadcast of event http://webtv.un.org/search/japan-review-28th-session-of-universal-periodic-review/5644308605001/

16 Rapporteur Anand Grover urged that "evacuees should be recommended to return only when the radiation dose has been reduced as far as possible and to levels below 1mSv/year." Human Rights Council, Twenty-third session Agenda item 3, Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development A/HRC/23/41/Add.3 Distr.: General 2 May 2013 Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Anand Grover Addendum Mission to Japan (15 - 26 November 2012).

17 Human Rights Council Working Group on the Universal Periodic Review Fourteenth session Geneva, 22 October–5 November 2012, Universal Periodic Review – Japan, Annex Recommendations which Japan accepted to the follow-up during the 2nd cycle in 2012, see http://www.ohchr.org/EN/HRBodies/UPR/Pages/JPindex.aspx

18 UNHRC, "Report of the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health," Anand Grover, A/HRC/23/41/Add.3, Human Rights Council Twenty-third session Agenda item 3 Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development, Addendum Mission to Japan (15 - 26 November 2012), see http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-41-Add3_en.pdf

Recommendation to the Japanese Government

Greenpeace and the IADL urge the Japanese government to:

* Adopt and immediately apply in full the recommendations on Fukushima submitted at the United Nations Human Rights Council Universal Periodic Review 28th Session, 2017 and fully adopt the recommendations made by the UNOHCR since 2012;

* Suspend its current return policy which ignores Fukushima citizens and which ignores science based analysis, including potential lifetime exposure risks;

* Establish a fully transparent process to reflect and consider residents' opinions on evacuation policy, including opening a council of citizens including all evacuees, with equal representation of women and men on the council;

* Abandon plans to lift evacuation orders which ignore residents' views in the Namie districts of Tsushima, Murohara, Suenomori and Obori;

* Establish a comprehensive health monitoring system for affected people;

* Provide full financial support to evacuees, and take measures to reduce radiation exposure based on the precautionary principle to protect public health and allow citizens to decide whether to return or relocate free from emotional duress and economic coercion.

For further information:

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